

**NEW YORK/NEW JERSEY
FCC Region 8 700-MHz
REGIONAL PLANNING COMMITTEE**

Regional Planning Committee



William Gardner, Chairman

Region 8 700 and 800 MHz Planning Committees
Director of Police Communications
Suffolk County Police Department
30 Yaphank Avenue
Yaphank, New York 11980
Telephone: (631) 852-6431
FAX: (631) 852-6994
Email: bgct4@aol.com

April 24, 2008

Office of the Secretary
Federal Communications Commission
Mr. Derek Poarch
Chief, Public-Safety and Homeland Security Bureau
445 12th Street, SW
Washington, DC 20554

In the Matter of

FCC Regional Planning Committee (RPC) 8

**Public-Safety Communications Plan for the
769- to 775-MHz and 799- to 805-MHz bands**

) WT Docket No. 02-378
)
) PSHS Docket No. 06-229
)
) FCC Docket No. 07-132

Dear Chief Poarch:

FCC Regional Planning Committee (RPC) 8 has completed its public-safety communications plan for the General Use channels in the 769- to 775-MHz and 799- to 805-MHz frequency bands.

The Regional Plan may be retrieved electronically from the Commission's Electronic Comment Filing System (ECFS) and the Computer Assisted Pre-coordination Resource and Database (CAPRAD).

This Regional Plan is the result of the dedication and perseverance of everyone involved in its development, including our neighboring regions. We believe that this plan best meets the needs and requirements of our public-safety community.

Please contact me with any questions or concerns you may have.

Respectfully submitted,

William Gardner, Chairman

FCC RPC 8 700-MHz and 800-MHz NPSPAC Planning Committees

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Regional Planning Committee



FCC Region 8 – 700-MHz

Public-Safety Communications Plan

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Document Addition and Revision Log

Date of Revision	Revisions	Version
4/25/2006	Initial version – excluding the following sections: <ul style="list-style-type: none"> ▪ In-building and underground system design and spectrum management parameters; ▪ Aeronautical use of the 700-MHz General Use channels; ▪ Region 8 Chair’s signatures; ▪ Adjacent-region approvals and signatures; and ▪ FCC approval. 	1.0
5/04/2006	Verbiage and formatting changes implemented.	1.1
5/23/2006	Version 1.2 Release Notes: Talk-around interoperability channel tables corrected; and Appendix section implemented to include the tribal nation letters.	1.2
6/02/2006	Formatting and cross-reference revisions made throughout the document.	1.3
6/19/2006	Version 1.4 – excluding the following sections: <ul style="list-style-type: none"> ▪ Region 8 Chair’s signatures; ▪ Adjacent-region approvals and signatures; and ▪ FCC approval. Version 1.4 Release Notes: <ul style="list-style-type: none"> ▪ Tribal nation correspondence information included; and ▪ Formatting and cross-reference revisions made throughout the document. 	1.4
7/27/2006	Version 1.5 – excluding the following sections: <ul style="list-style-type: none"> ▪ Adjacent-region approvals and signatures; ▪ FCC cover letter; ▪ FCC approval; ▪ In-building and underground system design and spectrum management parameters; and ▪ Aeronautical use of the 700-MHz General Use channels. 	1.5



Date of Revision	Revisions	Version
5/8/2007	<p>Version 1.6 – excluding the following sections:</p> <ul style="list-style-type: none"> ▪ FCC cover letter; ▪ In-building and underground system design and spectrum management parameters; ▪ Adjacent-region approvals and signatures from RPC 28; and ▪ FCC approval letter. <p>Version 1.6 Release Notes:</p> <ul style="list-style-type: none"> ▪ Verbiage and formatting changes implemented; ▪ Orphan Channel verbiage included in Sections 5 and 9.5; ▪ Longley-Rice propagation model explanation implemented in Section 9.2; ▪ Included an adjacent-region definition in Section 13; ▪ Updated the URL in Section 13; ▪ Included an updated committee member contact list and RPC meeting attendance roster in Appendices A and B, respectively; ▪ Included the concurrence letter from RPC 30 in Appendix L; ▪ Included the revised interregional dispute-resolution and frequency-coordination procedures included in Appendix M; ▪ Affixed the RPC 30 Chairperson’s signature to the adjacent-region concurrence letter in Appendix N; and ▪ Included an updated Tribal Nation Correspondence Log in Appendix V. 	1.6
5/21/2007	<p>Version 1.7 – excluding the following sections:</p> <ul style="list-style-type: none"> ▪ FCC cover letter; ▪ In-building and underground system design and spectrum management parameters; ▪ Adjacent-region approvals and signatures from RPC 28; and ▪ FCC approval letter. <p>Version 1.7 Release Notes:</p> <ul style="list-style-type: none"> ▪ Public meeting notices and minutes included up to the 7/10/2007 meeting; ▪ Included an updated committee member contact list and RPC meeting attendance roster in Appendices A and B, respectively; and ▪ Included an updated Tribal Nation Correspondence Log in Appendix V. 	1.7



Date of Revision	Revisions	Version
4/24/2008	<p>Version 2.0 – excluding the following sections:</p> <ul style="list-style-type: none"> ▪ In-building and underground system design and spectrum management; and ▪ FCC approval letter. <p>Version 2.0 Release Notes:</p> <ul style="list-style-type: none"> ▪ Revised the Plan to reflect the Second Report and Order (FCC 07-132), reconfiguring the 700-MHz public safety communications band; ▪ Revised the channel allotment tables to reflect the repacking of CAPRAD, as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options; ▪ Included procedures to administer the Low-Power Interoperability Channels; ▪ Revised the Low-Power Interoperability Channels Subscriber Service Assignment Table; ▪ Revised Section 7.7, Channels Released, and Figures 8 and 9 to account for seven (7) to nine (9) channels released; ▪ Implemented verbiage, formatting, and cross-reference revisions throughout the document; ▪ Updated the Plan to include all public meeting notices, meeting minutes, and attendance rosters; ▪ Updated the Plan to reflect the new committee administration; and ▪ Uplifted the Plan into a revised document template. 	2.0



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Compliance Matrix

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Compliance Matrix

Regional Plan Element	Check	Rule Section	See Plan Section #
Cover letter referencing WT Docket No. 02-378, PSHS Docket No. 06-229, FCC Docket No. 07-132, and identifying the document as the 700-MHz Regional Plan for the Region.	✓	Public Notice DA-02-3497	Cover letter
Name, Title, address, phone number, agency affiliation, and email address of Chairperson.	✓	90.527(a)(1)	Section 2
Names, agency affiliations, voting status, mailing addresses, phone numbers, email addresses (if available) of other RPC officers.	✓	90.527(a)(1)	Appendix A
A statement that at least 60-days notice was given prior to the first meeting.	✓	1st R&O, FN220	Section 1.1
A summary of the major elements of the plan and an explanation of how all eligible entities within the Region were given an opportunity to participate and have their positions heard and considered fairly.	✓	90.527(a)(2)	Compliance Matrix, Section 1.2
Definition of the Region, its boundaries, and a list of the counties and cities within the boundaries.	✓	90.527(a)(2)	Section 4
Overview of public safety entities (state agencies, federal agencies, etc.) that have jurisdiction within or over any or all portions of the Region.	✓	90.527(a)(2)	Section 7.1
Description of the types of public safety, law enforcement, government, public service, or other entities (federal, county, regional, city, town, etc.) that are included in the Region.	✓	90.527(a)(2)	Section 7.1
The dates and publications in which the meetings were announced.	✓	90.527(a)(2)	Appendix V
The dates and websites on which the meetings were announced.	✓	90.527(a)(2)	Appendix V
A description of the process by which comments were solicited from all eligible parties.	✓	90.527(a)(2)	Section 1.2
Summary of all comments and submissions obtained through the process.	✓	90.527(a)(2)	Appendix V
A description of the process used to consider comments submitted from concerned parties.	✓	90.527(a)(2)	Section 1.2
The guidelines and procedures for operation of the RPC.	✓	90.527(a)(2)	Section 3

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Regional Plan Element	Check	Rule Section	See Plan Section #
The procedures for frequency coordination.	✓	90.527(a)(2)	Section 12
Guidelines and procedures for protection of incumbent TV/DTV stations within the Region or near the Region's border during the DTV transition period.	✓	90.527(a)(2)	Section 11
A copy of the RPC's bylaws.	✓	90.527(a)(3)	Section 3
The technical procedures for requesting channels.	✓	90.527(a)(3)	Section 5
An overview of the application process.	✓	90.527(a)(3)	Section 5
An explanation of how the RPC decided between competing agencies when more requests for spectrum were received than could be filled. What criteria were used to evaluate competing applications to determine which request was granted?	✓	90.527(a)(3)	Section 7
An explanation of how the RPC decided how the spectrum would be allocated (e.g., by population) and how applications were solicited (e.g., on a first-come, first-served basis or only during certain filing windows). An explanation of channel-recovery methods that will be applied within the Region.	✓	90.527(a)(4)	Section 7
A description of how the applications are handled and reviewed, including an explanation of how the RPC applies the evaluation criteria listed in item 3.	✓	90.527(a)(4)	Sections 6-9
Spectrum utilization agreements with other Regions.	✓	90.527(a)(5)	Sections 12 and 13
If the State bears responsibility for administering the interoperability channels, the Regional Plan must indicate how the Region will interact with the SIEC or similar body. If the RPC is responsible for administering the interoperability channels, see the check points below the bold type.	✓	90.525(b)	Appendix U
Description of the pre-coordination allotment method used at the Region's borders. ¹	✓	90.527(a)(5)	Sections 5, 12, and 13

¹ The channel allotments provided in this Plan reflect the repacking of CAPRAD as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options.



Regional Plan Element	Check	Rule Section	See Plan Section #
Concurrence from the Chairs of the adjacent Regions OR evidence that the RPC used the NCC Implementation Subcommittee's pre-planning proposal to reserve some portion of the 700-MHz spectrum at the RPC borders for the adjacent Region(s).	✓	90.527(a)(5)	Appendix L, M, and N
If any of the adjacent Regions have not yet convened or selected a convener, the Plan must include a waiver of 90.527(a)(5).	✓	90.527(a)(5)	NA
An explanation of how the RPC encouraged spectrum reuse and promoted spectrally efficient technologies to make the most efficient use of the spectrum.	✓	90.527(a)(6)	Section 9
An explanation of how the RPC will maintain the pre-coordination database and provide opportunities for future modifications of the plan.	✓	90.527(a)(7)	Section 12
Interregional dispute resolution agreements signed by the Chair(s) of the Adjacent Region(s).	✓	90.527(a)(7)	Appendix O
A certification by the RPC Chair that all RPC meetings were open to the public.	✓	90.527(a)(8)	Appendix V
Signature of the RPC Chair.	✓	90.527(a)(8)	Cover Letter
The following items would constitute a Section that would be required only if the RPC had assumed responsibility for administering the 700-MHz Interoperability Channels.	NA	NA	NA
If the RPC bears responsibility for administering the interoperability channels, Section 9 of the Regional Plan must include: 1) a list of the interoperability channels; 2) a definition of when and where the two calling channels are to be used, including monitoring requirements; 3) a description of how the interoperability channels will be deployed and used in the Region, including procedures to extract interoperability channels being used in the trunked mode when necessary; channel nomenclature; minimum channel quantity; and channel-access parameters; and 4) priority access levels to be used on the interoperability channels.	NA	90.525(b)	NA
Description of existing interoperability contracts, compacts, mutual aid agreements, etc.	NA	90.525 (b)	NA

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Regional Plan Element	Check	Rule Section	See Plan Section #
Description of the effect of the addition of 700-MHz channels and interoperability requirements on existing plans.	NA	90.525(b)	NA
Descriptions of the Region's interoperability plans and interoperability requirements.	NA	90.525(b)	NA



1. Authority of the Committee

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1. AUTHORITY OF THE COMMITTEE

On August 6, 1998, in the First Report and Order (R&O) and Third Notice of Proposed Rule Making in WT Docket No. 96-86, the Federal Communications Commission (FCC) adopted service rules for the 24 MHz of spectrum in the 764-776/794-806 MHz frequency bands (collectively, the 700-MHz band). The FCC reallocated this spectrum from analog television broadcast services to public safety services. Please refer to Figure 1. The National Coordinating Committee (NCC), now decommissioned, recommended the Regional Planning Committee (RPC) process to administer the designated spectrum. The FCC adopted the NCC's recommendation and established the RPC process in the R&O. RPCs consist of representatives of public safety agencies at the State and local levels within each region.

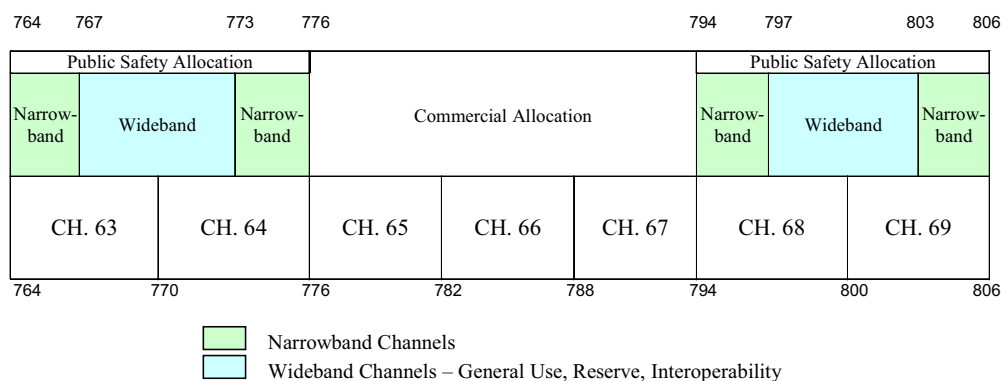


Figure 1, 700-MHz Public Safety Band PRIOR to Reconfiguration

On July 31, 2007, the FCC adopted the Second R & O, reallocating the 700-MHz public safety spectrum to the 763- to 775-MHz band and the 793- to 805-MHz band. From this allocation, the bottom portion of the Band (763-768/793-798 MHz) has been designated as broadband spectrum licensed under the Public Safety Broadband Licensee (PSBL). Therefore, the principal 700-MHz spectrum resources under the jurisdiction of the RPCs are the 769- to 775-MHz and 799- to 805-MHz narrowband channels, which are further divided into General Use, Interoperability (voice, low-speed data, and national call), Secondary Trunking, State License, Low Power, and Reserve spectrum allotments. Please refer to Figure 2, which follows.

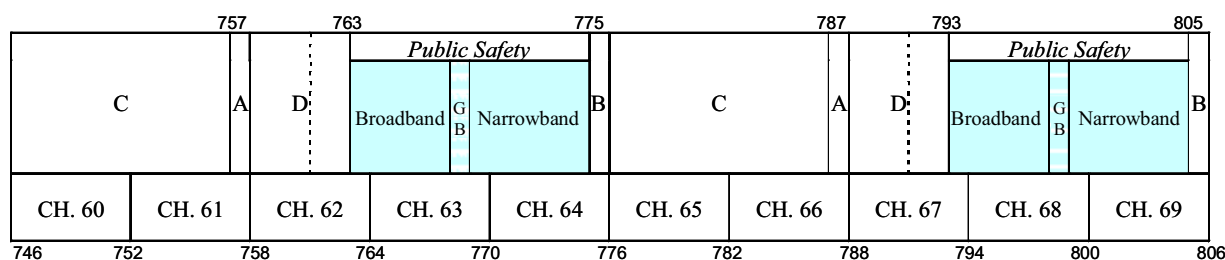


Figure 2, Reconfigured 700-MHz Public Safety Band



No allotments will be made in the General-Use category for the 769- to 775-MHz and 799- to 805-MHz bands until the plan has been approved by the FCC. The 700-MHz public safety spectrum will be made available for use after February 17, 2009² in accordance with the FCC's digital television transition schedule.

1.1 First Convening Meeting

The Region 8 700-MHz planning committee held its first convening meeting on Wednesday, January 23, 2002. A FCC Public Notice (PN) announcing this meeting was issued on November 23, 2001.

1.2 Notification and Committee Participation

All eligible parties³ were invited to participate in developing the Regional Plan. This notification was accomplished by the FCC issuing a Public Notice and by the "convener" directly notifying organizations representing eligible parties. Additionally, the mobile communications print media were contacted by the "convener" and made aware of the Committee's formulation. Also notified were state and local government agencies concerned with emergency management, as well as federal agencies responsible for National security and emergency preparedness.

In accordance with FCC's Code of Regulations (CFR) Title 47, Telecommunication, Chapter 1, Part 90, Private Land Mobile Radio Services, this Regional Plan includes the public meeting notices of each RPC meeting. Please refer to Appendix V for the meeting notices.

The RPC welcomed comments from all parties during the plan-development process. The plan's content was voted on for approval by the Committee in accordance with the Region 8 Bylaws.

² Date for television broadcasters to vacate the 700-MHz public-safety spectrum is February 17, 2009. Public safety entities may operate in the 700-MHz band prior to the transition date if they secure an FCC waiver.

³ CFR Title 47, Telecommunication, Chapter 1, Part 90 Private Land Mobile Radio Services:
<http://www.access.gpo.gov/>



1.3 Acronyms Used in this Document

Table 1, Acronyms and their Definitions

Acronym	Definition
ACCPR	Adjacent-Channel Coupled Power Ratio
APCO	Association of Public-Safety Communications Officials
ARD	Area Reliability Degradation
CAPRAD	Computer-Assisted Pre-coordination Resource and Database
CD	Compact Disk
CFR	Code of Federal Regulations
CPC	Channel Performance Criterion
dB	Decibel
dBμ	A decibel relative to one (1) microvolt/meter
dBm	A decibel relative to one (1) milliwatt
DTV	Digital Television
DVD	Digital Video Disk
EMS	Emergency Medical Services
FCC	Federal Communications Commission
FDMA	Frequency Division Multiple Access
GIS	Geographic Information System
GPO	Government Printing Office
kHz	kilohertz
LFA	Local Frequency Advisor
LSA	List of Sections Affected
MHz	Megahertz
MO&O	Memorandum Opinion & Order
MOU	Memorandum of Understanding
NCC	National Coordination Committee
NIJ	National Institute of Justice
NPSTC	National Public Safety Telecommunications Council
OFDM	Orthogonal Frequency Division Multiplexing
PN	Public Notice
PSA	Protected Service Area
PSBL	Public Safety Broadband Licensee
R&O	Report and Order
RF	Radio Frequency
RMS	Root Mean Square
ROM	Read-Only Memory
RPC	Regional Planning Committee

FCC Region 8 – 700-MHz Plan

Regional Planning Committee



Acronym	Definition
RPUC	Regional Plan Update Committee
SIEC	Statewide Interoperability Executive Committee
TDMA	Time Division Multiple Access
TSB	Telecommunications Systems Bulletin
UHF	Ultra High Frequency
URL	Uniform Resource Locator
VHF	Very High Frequency
WTB	Wireless Telecommunications Bureau



2. Committee Administration

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2. REGION 8 – 700-MHz PLANNING COMMITTEE ADMINISTRATION

Membership in the Region 8 – 700-MHz Planning Committee shall be in accordance with the Region 8 Bylaws, Article 2. Please refer to Appendix A for a complete listing of committee members.

The officers of the Region 8 – 700-MHz Planning Committee are:

William Gardner - FCC Region 8 Chairman

Director of Police Communications
Suffolk County Police Department
30 Yaphank Avenue
Yaphank, New York 11980
Telephone: (631) 852-6431
FAX: (631) 852-6418
Email: bgct4@aol.com

Lieutenant Anthony Melia - FCC Region 8 Vice Chairman

50 Nelson Place
Newark, New Jersey 07102
Telephone: (973) 621-4170
FAX: (973) 621-4073
Email: meliaa@apco911.org

Maribel Martinez-Bradwell - FCC Region 8 Secretary

R & J Telecom, Inc
38 Dussault Drive
Latham, New York 12110
Telephone: (518) 785-1703
FAX: (518) 218-9268
Email: mmartinez5@nycap.rr.com



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3. Bylaws

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3. REGION 8 BYLAWS

Article I: Name & Purpose

- 1.1 Name and purpose. The name of this organization shall be the FCC Region 8 (New York-New Jersey) 700-MHz Regional Planning Committee. Its primary purpose is to foster cooperation, planning, development of regional plans, and implementation of these plans in the 700-MHz Public Safety Band.

Article II: Members

For purposes of this Article, the term “member,” unless otherwise specified, refers to both voting and non-voting members.

- 2.1 Number, Election, and Qualification. The RPC shall have two classes of members: “voting members” and “non-voting members.” New members may be added at any official meeting.
 - a. Voting Members. Voting members shall consist of one representative from any single agency that is engaged in public safety and eligible to hold a license under the CFR Title 47, Telecommunication, Chapter 1, Part 90, (47 CFR 90.20, 90.523) and that has jurisdiction within the Region 8 geographic boundaries. However, any single agency shall be allowed no more than one vote for each distinct eligibility category (e.g., police, fire, EMS, highway) within the agency’s organization or political jurisdiction. In voting on any issue, the individual must identify himself/herself and the agency and eligibility category that he or she represents. Voting members shall not vote on application scoring and approval matters that directly benefit themselves or the organization they represent.
 - b. Non-Voting Members. Non-voting members are all others interested in furthering the goals of public safety communications.
- 2.2 Tenure. In general, each member shall hold membership from the date of acceptance until resignation, permanent incapacity, removal, or no longer represent an eligible agency.
- 2.3 Duties. In addition to such duties as are vested in them by the FCC or these bylaws, the members shall have such other duties as the membership may from time to time determine by majority vote at any annual, special, or regular meeting.
- 2.4 Suspension and Removal. A representative may be suspended or removed for cause by vote of a majority of voting members after reasonable notice and opportunity to be heard. Failure to attend at least 50% of meetings held in a calendar year may be a specific cause for removal from the voting membership.
- 2.5 Resignation. A member may resign by delivering his or her written resignation to the chairman, vice-chairman, or secretary of the RPC or to a meeting of the members.

Article III: Meetings

An annual meeting of the membership shall be held at a time and place to be specified and published at least thirty (30) days prior to the day of the meeting. If a voting member is unable to attend the annual meeting, he or she shall so notify the Chairman in advance of the meeting.

- 3.1 Other Meetings. Meetings of the members may be held at any date and time, with at least thirty (30) days advance notice, and at any place within the RPC area. Meetings of the members may be called by 1) the chairman, or 2) the vice-chairman, or 3) any other officer in case of absence or incapacity of the chairman or vice-chairman, or 4) upon written application of two or more members.
- 3.2 Working Group Meetings. Working group meetings may be conducted in person or via electronic means for the purpose of developing consensus and making recommendations to an official meeting.
- 3.3 Meeting Notice. In addition to notification by public notice, each member shall be notified of the time and place of such meeting via his or her e-mail address or U.S. Postal Service address on file with the Committee. A tentative meeting agenda shall be included in this correspondence.
- 3.4 Continuation of Meetings. Any meeting may be adjourned to such date or dates not more than ninety (90) days after the first session of the meeting by a majority of the votes cast upon the question, by with quorum present. The meeting may resume on the adjourned-to date with as much notice as may be reasonably practicable under the circumstances.
- 3.5 Quorum. A quorum is defined as a majority of the voting members present and any members represented by proxies.
- 3.6 Action by Vote. Each voting member, as the official representative for a particular agency/entity shall have one (1) vote; non-voting members have no right to vote. A majority of the votes properly cast by voting members present shall decide any question, including election to any office, unless otherwise provided by law, rule, regulation, or these bylaws.
- 3.7 Action by Writing. Any action required or permitted to be taken at any meeting of the members may be taken without a meeting if all members entitled to vote on the matter have been given at least thirty (30) days notice and consent to the action in writing, and the written consents are filed with the records of the meetings of the members. Such consents shall be treated for all purposes as a vote at a meeting.
- 3.8 Proxies. In their absence, voting members may vote by written proxy dated not more than one month before the meeting named therein. Such proxies shall be filed before the meeting with the secretary or other person responsible for recording the proceedings of the meeting. Unless otherwise specifically limited by their terms, such proxies shall entitle their holders to vote at any resumed session of the meeting if it is adjourned to a future date. The proxy shall terminate after the final adjournment of the meeting or upon attendance at the meeting by the voting member who issued the proxy.



Article IV: Officers

- 4.1 Number and qualification. The officers of the RPC shall be a chairman, vice-chairman, secretary, and treasurer. Only voting members of the RPC may serve as officers.
- 4.2 Election. The officers shall be elected for a three-year term by the voting members beginning with the founding meeting and, thereafter, at an annual meeting of the voting members.
- 4.3 Chairman. The chairman shall be the chief executive officer of the RPC and, subject to the control of the voting members, shall have general charge and supervision of the affairs of the RPC. The chairman shall preside at all meetings of the RPC and appoint such subcommittees as may be necessary, and shall not vote unless to resolve a tie vote, as cast by the body.
- 4.4 Vice Chairman. The Vice Chairman shall have such duties and powers as the voting members shall determine. The vice-chairman shall have, and may exercise, all the powers and duties of the chairman during the absence of the chairman or in the event of the Chairman's inability to act.
- 4.5 Secretary. The secretary shall record and maintain records of all proceedings of the members in a file or series of files kept for that purpose. Such file or files shall be open at all reasonable times to the inspection of any member. Such file or files shall not only contain records of all meetings, but also the original, or attested copies, of bylaws and the names of each member and the address (including e-mail address, if available) of each. If the secretary is absent from any meeting of members, a temporary secretary chosen at the meeting shall exercise the duties of the secretary at the meeting. The secretary shall also be responsible to keep and maintain all documents, including but not limited to the Regional Plan and channel allotments.
- 4.6 Treasurer. The treasurer shall be the chief financial officer and the chief accounting officer of the RPC. The treasurer shall be in charge of its financial affairs, funds, and valuable financial papers, and shall keep full and accurate records of such activities and products.
- 4.7 Tenure. An officer shall hold office until his/her successor is chosen, he or she sooner resigns, becomes permanently incapacitated or disqualified, is removed from office, or no longer represents an eligible agency.
 - a) Suspension or Removal. An officer may be suspended with cause by vote of a majority of the voting members.
 - b) Resignation. An officer may resign by delivering his or her written resignation to the chairman, vice-chairman, secretary, or treasurer of the RPC. Such resignation shall be effective upon receipt (unless specified to be effective at some other time), and acceptance thereof shall not be necessary to make it effective unless it so states.

c) Vacancies. If the office of any officer becomes vacant, the voting members may elect a successor. Each such successor shall hold office for the remainder of the vacated term.

Article V: Subcommittees

5.1 Regional Plan Update Committee

With the approval of the RPC, the Chairman shall appoint a Regional Plan Update Committee (RPUC). Upon approval of the Region 8 700-MHz Plan by the FCC, this Committee will remain in place to recommend changes in the Regional Plan, to evaluate applications for channel allotment(s), and to provide a mechanism for interregional concurrence and resolution for any problems that arise.

The standing membership of the RPUC shall consist of the FCC-certified public safety frequency coordinator(s) or their representatives (i.e., APCO Local Frequency Advisor for the Regional Planning Area; one member each (two total) representing the States of New Jersey and New York; three members representing Public Safety Radio Services; and two members representing Special Emergency Radio Service). From time to time, the RPUC Chairman may appoint one or more members-at-large. Subsequent to the initial RPUC appointments, all future RPUC appointments will be subject to majority approval of the current RPUC membership. In no case shall any radio service have voting membership greater than 49%.

Subject to majority approval, other individuals may serve on the RPUC in only a non-voting status. The RPUC Chairman may exclude the presence of such members at any RPUC executive session.

With the approval of the Chair, one member of the RPUC shall serve as the Region 8 Computer-Assisted Pre-coordination Resource and Database (CAPRAD) Manager.

5.2 Technical Subcommittee

With the approval of the RPC, the Chairman shall appoint a Technical Evaluation Committee. This Committee will evaluate all 700-MHz applications that are submitted to the RPC. Upon receiving results from the Technical Evaluation Committee, the RPC Committee will approve, by consensus, the evaluation(s).

5.3 Interference Resolution Committee

With the approval of the RPC, the Chairman shall appoint an Interference Resolution Committee. This Committee will review interference-allegation reports and determine whether the alleged interfering system's operations comply with that station's license. If the system is deemed noncompliant with the license parameters, the Committee will decide what appropriate action(s) to take. If the system complies with the station license, the Committee will assist the impacted parties in devising an interference-resolution solution.



Article VI: Correspondence

- 6.1 The RPC's primary correspondence channel with Committee members and applicants shall be via electronic mail with read receipt. Committee members who do not have electronic mail will be corresponded with via U.S. certified mail with return receipt requested to confirm delivery.

Article VII: Amendments

- 7.1 These bylaws may be altered, amended, or repealed in whole or in part by an appropriate vote after thirty (30) days advance notice to the members. The voting members may, by a two-thirds votes of the quorum, alter, amend, or repeal any bylaws adopted by the RPC members or otherwise adopt, alter, amend, or repeal any provision on which FCC regulations or these bylaws require action by the voting members.

Article VIII: Dissolution

- 8.1 This RPC may be dissolved by the consent of two-thirds of the voting members at a special meeting called for such purpose. The FCC and adjacent regions shall be notified if dissolution is approved.

Article IX: Rules of Procedures

- 9.1 The Conduct of Regional Meetings — including without limitation, debate and voting — shall be governed by the most recent edition of Robert's Rules of Order unless otherwise specified by the Bylaws.



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4. Region Description

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4. REGION 8, REGION DEFINED

A region is a geographic area that is designated a region for some noteworthy purpose. In the New York Metropolitan area, for public safety communications purposes, it is that area having significant population and multiple administrative jurisdictions. The communities within that area intermingle so acutely that many abutting boundaries coalesce, forming one massive region — Region 8, as shown in Figure 3.

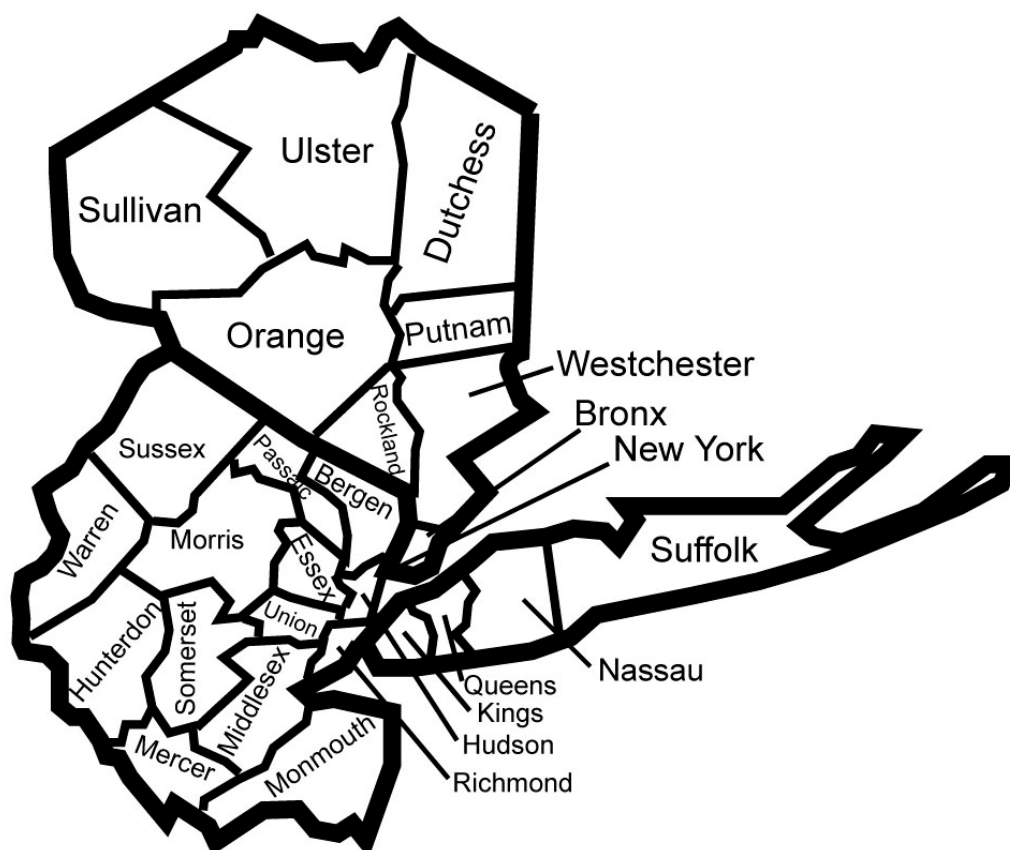


Figure 3, Mapping of Region 8

The total population of Region 8 is estimated to be more than 20,000,000 people — approximately 8% of the nation's population (U.S. Census Bureau, 2000). Please refer to Appendix C, Region 8 Population Data. Within this region are a large number of jurisdictions — which range from state governments to quasi-municipal organizations that cross state lines, and include counties, cities, townships, villages, water districts, fire districts, etc. —many of which are involved in public safety. Their involvement extends from search and rescue during crises to providing immediate response to replenish and repair roadways, lights, power, etc.

The New Jersey and New York State portions of Region 8 each have a primary zone, and New York State also has a secondary zone. A primary zone contains jurisdictions that are severely



impacted as a result of an excess demand for scarce spectrum. The requirements for system implementation in a primary zone will be more restrictive than in a secondary zone. The jurisdictions located in a secondary zone will be under the general requirements of the Regional Plan, but will not be required to adhere to the more stringent requirements of the primary zone jurisdictions.

The New York primary zone consists of: 1) the counties of Orange, Putnam, Rockland, Westchester, the five counties of New York City, and Nassau, and 2) the portion of Suffolk County that is west of the town of Riverhead on the north shore and of Southampton on the south shore of Long Island.

The secondary zone in New York State consists of: 1) the counties of Dutchess, Sullivan, and Ulster and 2) the portion of Suffolk County that is east of the Town of Riverhead on the north shore and of the Town of Southampton on the south shore.

The counties in New Jersey within Region 8 are Sussex, Warren, Hunterdon, Mercer, Monmouth, Passaic, Bergen, Hudson, Essex, Union, Morris, Somerset, and Middlesex. The Region line follows the northern border of Burlington County and the southern border of Monmouth County. All counties in the New Jersey portion of the Region lie within the primary (most stringently controlled) zone.



5. Spectrum Allotment Procedure

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5. PROCEDURE FOR REQUESTING SPECTRUM ALLOTMENTS

Within three (3) months of the date on which the Regional Plan has been accepted and approved by the FCC, the RPC will announce the opening of an initial filing window. The filing window shall represent a period of time during which the RPC will accept site-specific applications for 700-MHz public safety usage for filing and review.

For a period of five (5) years, the National Pool allotments developed and stored in CAPRAD⁴ will represent the base allotment plan for Region 8. Furthermore, in order to accommodate flexibility in the utilization of orphaned channels⁵, the Region 8 allotment plan will also consider the CAPRAD allotments valid for application within a thirty (30) mile boundary of their pool-assigned county as long as the following conditions are met:

- 1) Such application and use meets the interference criteria for out-of-pool allotments set in Section 9.5 of this plan, and
- 2) Such use has been approved by the Regional Chairperson after the RPC is permitted no less than thirty (30) days to comment on the terms of the application.

The term for frequency-pool allotments in Region 8 shall be five (5) years after the transition date to digital television⁶. If, after five (5) years, applicants who were granted channel allotments have not applied for station licenses, those allotments shall be returned to the allotment pool and become available again for application.

5.1 Window Procedure

The RPC will hold three (3) application-filing windows per year:

- 1) January 1 through January 31,
- 2) May 1 through May 31, and
- 3) September 1 through September 30.

After the first fifteen (15) application filing windows are completed, subsequent windows shall be announced on an as-needed basis.

A PN announcing an allotment application filing window shall be sent to all RPC members via e-mail, as well as to the following media resources for further dissemination:

- FCC Daily Digest,

⁴ The channel allotments provided in this Plan reflect the repacking of CAPRAD as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options.

⁵ A channel remaining from a 25-kHz bandwidth when a 12.5 or 6.25 kHz portion of the full channel is allotted for operation. Channels allotted that are less than 25-kHz wide are taken from the top-edge or the bottom edge of the 25-kHz channel block.

⁶ Digital Television transition date: February 17, 2009.



- National Public Safety Telecommunications Council (NPSTC) Web Forum,
- CAPRAD, and the
- APCO Communicator.

The filing window shall commence not less than thirty (30) calendar days from the PN. Included in the filing window notice shall be the start and end dates of the filing window, any rules or requirements for filing outlined in the Regional Plan, and any other special instructions. Also included shall be a list of Technical Subcommittee members who can provide additional information to prospective applicants.

5.2 Transition to an Open Timeline

The RPC reserves the right to transition to a process by which narrowband applications may be accepted either at any point or on a structured schedule. If the RPUC decides by majority vote to change to an ad-hoc, periodic, or other type of filing window schedule, the effective date of such a schedule change may not commence until thirty (30) days have passed since these changes were announced through the process defined in Section 5.1 of this document.



6. Application Requirements

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6. APPLICATION REQUIREMENTS

Each application package must contain enough information that evaluators can determine the strength of the application relative to completing peer applications, as well as its technical validity. The RPC supports the NCC pre-assignment rules and recommendations. Applicants should review these recommendations prior to preparing applications for submission.

6.1 Application Contents Summary

A complete application package must include the following items:

- 1) Completed FCC 601 form(s);
- 2) Completed supplemental application requirements. Please refer to Appendix F, Supplemental Application Requirements;
- 3) Completed Region 8 Antenna Pattern Information Form for each antenna configuration employed (with azimuth and elevation patterns). Please refer to Appendix G, Antenna Pattern Information Form;
- 4) Completed Region 8 Service Area Boundary Form. Please refer to Appendix H, Service Area Boundary Form;
- 5) Signed Memorandum of Understanding (MOU) agreeing to implement system as proposed. Please refer to Appendix Q, Intraregional Memorandum of Understanding; and
- 6) Coverage- and interference-prediction exhibits using Longley-Rice, and adhering to the guidelines in the Telecommunications Systems Bulletin (TSB)-88 (latest edition). Please refer to Section 9 for further details.

The Regional Plan contains an application checklist for use by applicants. Please refer to Appendix E, Application Package Checklist.

6.2 Application Submission Format

All material provided as part of the application package must be submitted in eight (8) hard copies and eight (8) electronic copies⁷ to the RPC 8 Secretary.

6.3 Grounds for Dismissal

At the discretion of the application review committee, applicants may be afforded the opportunity to provide any essential missing application information so that their applications can continue to undergo the evaluation process. The RPC shall notify the applicant via written

⁷ Unless otherwise specified, the acceptable electronic media will be CD-ROM or DVD-ROM. Other media may be accepted upon written approval of the RPUC Chair.

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or electronic mail if the application package does not meet the requirements stated in this Plan⁸. Applications may be dismissed and returned to the applicant if required information is not provided. The applicant will then have the option to complete and resubmit the application during the next filing-window period.

⁸ Please refer to the Region 8 Bylaws, Article VI, for details addressing correspondences between the Committee and the Applicant.



7. Application Scoring Matrix

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7. APPLICATION SCORING MATRIX

Implementing an evaluation matrix enables assigning each application a score that is the total number of the points awarded in seven categories. A maximum total score of 1000 points can be awarded, based on the Application Review Flowchart replicated in Figures 4 through 11. This flowchart details the sequence of events followed to determine an applicant's score and is discussed in the paragraphs that follow. Its symbols are defined in Appendix J.

First, the allocation is placed in the frequency pool (Block #1 in Figure 4). If frequencies are available in the pool (a second iteration of the evaluation matrix could occur if all frequencies are not allocated in the first iteration), a window-opening announcement is made (Block #2 in Figure 4). The window period will be thirty days (Block #3). Next, the Region 8 Technical Subcommittee reviews the received applications for completeness (Block #4). After the thirty days have passed, the window closes (Block #5). Late or incomplete applications are rejected (Block #6). Applications received during the open-window period are reviewed (Block #7) by the RPUC and the Region 8 Technical Subcommittee.

The Technical Subcommittee will consult with State communications-planning administrators, if any such positions are staffed, to determine if the application complies with state plans (Block #8). An application that does not comply with an existing State plan will be rejected at this point (Block #9) and returned to the applicant, along with an explanation of the reason(s) for rejection. When an application has passed the test of State plan compliance, the Technical Subcommittee will apply the evaluation matrix (as shown Block #10, at the top of Figure 5).

Prior to allocating points for the seven categories, the evaluators conduct a needs-assessment review (Block #11) of the statement of needs for the requested frequencies provided by the applicant. This statement of need serves as an overview of the proposed system.

The seven categories of point awards are addressed in the seven subsections that follow.

7.1 Service (Category I, Block #12) - 350-point Maximum

Each of the eligible services has a predetermined point value as seen in Table 2, which follows Figures 4 and 5. Entities eligible to utilize spectrum in the 769- to 775-MHz and 799- to 805-MHz bands are defined in the FCC Code of Federal Regulations (47CFR90.523) and (47CFR90.20) Title 47, Volume 5, Subpart R. The point value assigned in this category is a factor of the number of subscriber units per service category, operating in a multi-agency system. An applicant with multiple services will be scored on a basis of the percentage that each service comprises of its total system. For example, a system that is 50% police and 50% local government (school administration) would be awarded the total of 50% of the point value for police plus 50% of the point value for school administration. Please refer to Table 2, Evaluation Matrix Point Values for Service⁹.

⁹ Reference: FCC Code of Regulations (47CFR90.523 and 47CFR90.20), Title 47, Volume 5, Subpart R.

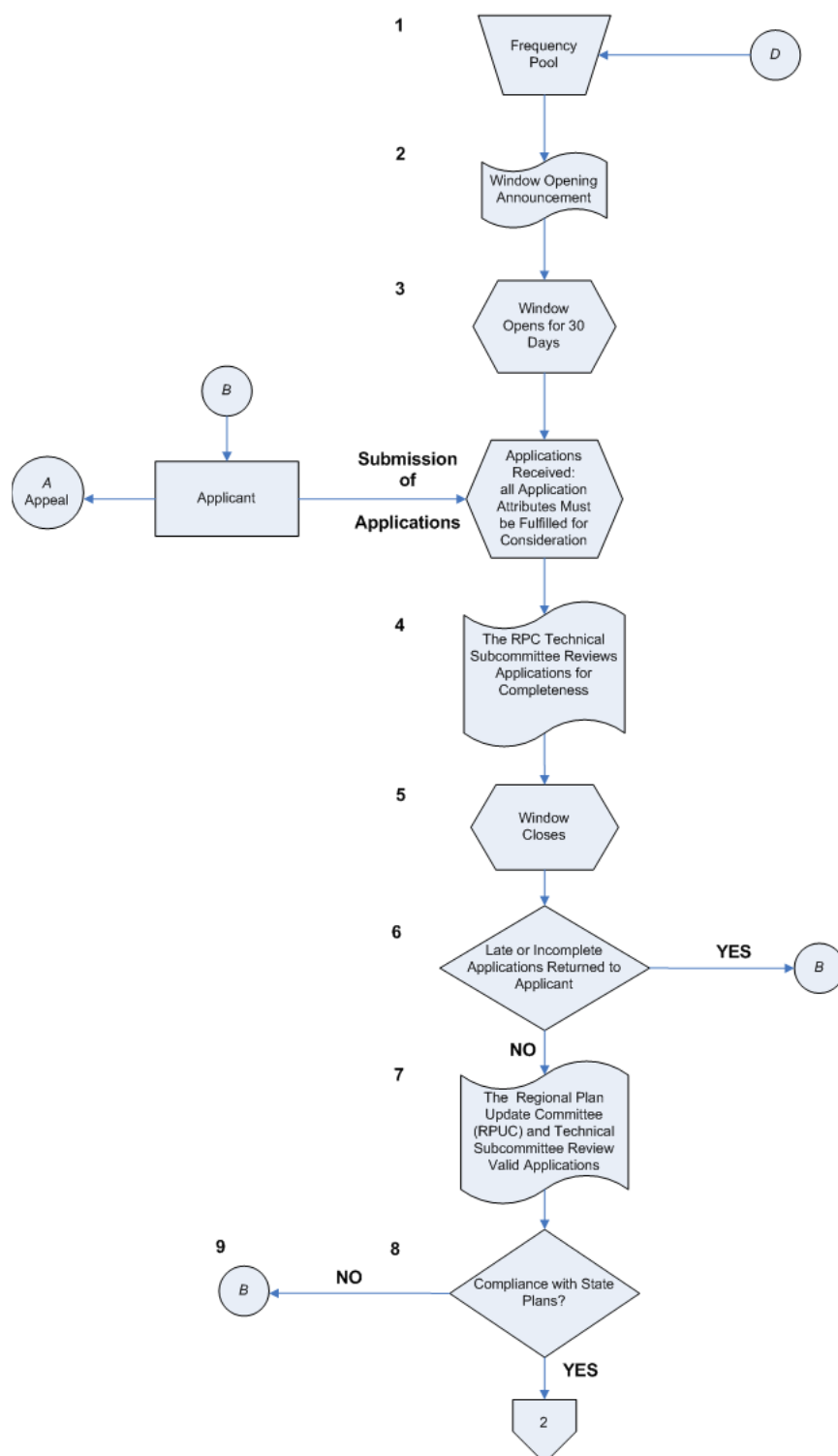


Figure 4, Application Review Flowchart - Page 1 of 8

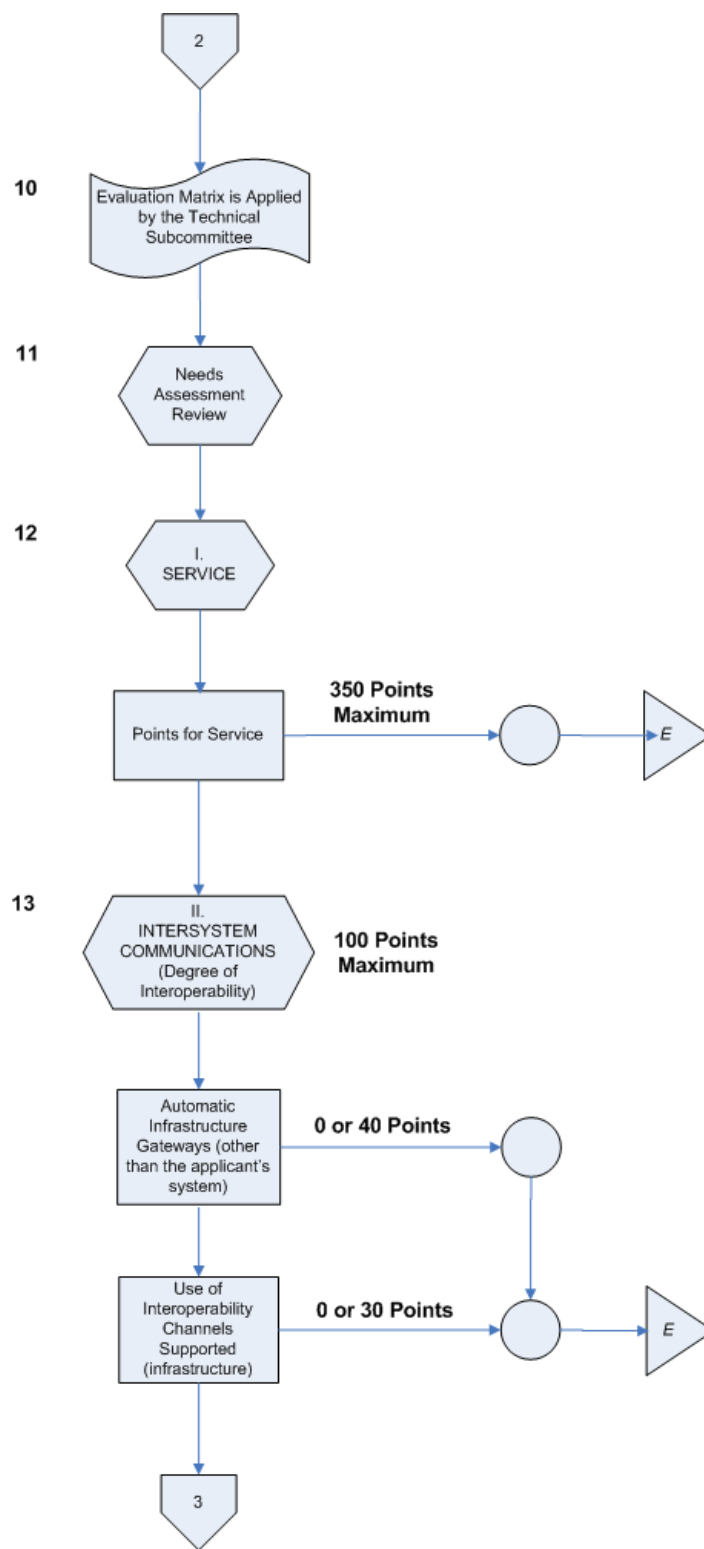


Figure 5, Application Review Flowchart - Page 2 of 8



Table 2, Evaluation Matrix Point Values for Service

Tier	Service Categories	Point Value
1	Fire	350
	Police	350
	EMS	350
	Rescue	350
2	Emergency Management	250
	Corrections	250
	Courts	250
	High-Volume Transit Systems (Serving > 500,000 passengers per day)	250
3	Beach Patrol (Special Emergency)	225
	Hospital (SE)	225
	Forest Fire (Special Emergency)	225
4	Transit Systems (Serving ≤ 500,000 passengers per day - exclusive of police, fire, and EMS)	175
5	Highway	150
6	Communications Standby Facilities (Special Emergency, SE)	125
	Maintenance & Utility Boards - Government (Special Emergency - i.e., water, sewer, gas, electric)	125
	Other Government Agencies (e.g., building inspectors, elderly services)	125
	Disaster Relief Organizations (Special Emergency)	125
	Auxiliary Police (Special Emergency)	125
7	Security Patrol - Government (Special Emergency)	100
	Schools - Government, Districts - (Special Emergency - i.e., school buses)	100
	Veterinarians - Government (Special Emergency)	100
8	Partial Coach - Government (Special Emergency - transit systems)	75
	Physicians - Government (Special Emergency)	75
	Communications System Repair (Special Emergency)	75
9	Parks and Conservation - Government (exclusive of police, forest fire)	50
	Physically Disabled - Government (Special Emergency - i.e., personal alarm services)	50
10	Other (TBD)	25

7.2 Intersystem Communications (Category II, Block #13) - 100-point Maximum

The application (Block 13 in Figure 5) is scored — with a range of points from 0 to 100 — based on the degree of interoperability that is demonstrated. This category rates the application on the interoperability capabilities of the proposed system, the inclusion of the common



interoperability channels, and the ability to communicate with different levels of government and services during times of emergency. Points are awarded based on the criteria weights in Table 3.

Table 3, Intersystem Communications Criteria and Weights

Interoperability Demonstrated	Point Value
Provides automatic infrastructure gateways (other than the applicant's system)	40
Use of interoperability channels is supported (infrastructure)	30
Provides console patches to other systems (other than the applicant's system)	10
Communicates with other systems with which the Agency holds mutual-aid agreements	10
All subscriber units have the tactical interoperability channels programmed within them	10
No interoperability or intersystem criteria information is provided	0

7.3 Loading (Category III, Block #14) - 150-point Maximum

As shown with Block #14 in Figure 6, applicants are scored on the number of subscriber units that will operate on each radio channel (the loading). The applicant shall receive a maximum score of 150 points in this category. For example, a proposed system that 1) has loading greater than or equal to 250 subscriber units, and 2) is an expansion of an existing 700-MHz and/or an 800-MHz system shall be awarded 150 points (sum of first and third lines in Table 4).

Table 4, Loading Criteria and Weights

Loading and Expansion Factors	Point Value
System loading is \geq 250 subscriber units per radio channel	100
System loading is \geq 200 but less than 250 subscriber units per radio channel	50
Expansion of an existing 700-MHz and/or 800-MHz radio system	50
System loading is \geq 100 but less than 200 subscriber units per radio channel	10

7.4 Spectrum Efficient Technology (Category IV, Block #15) - 100-point Maximum

Category IV (Block #15 in Figure 7) scores the applicant on the degree of spectrum-efficient technology the system demonstrates. A point-value range of 0 to 100 points can be awarded for this category. A trunked system, an integrated voice and data system, and a system utilizing 6.25-kHz spectral efficiency are all considered to utilize spectrum-efficient technologies. The spectral efficiency for a voice or data channel is based on the throughput divided by the channel bandwidth.

Applicants shall be awarded a maximum of 100 points in this scoring category as per Table 5, which follows.



Table 5, Voice and Narrowband Data Technology Criteria and Weights

Technology Utilized	Point Value
Trunked system design	50
6.25-kHz effective spectral efficiency	50
Integrated voice and data system - voice system that integrates mobile data on the same channel(s)	50

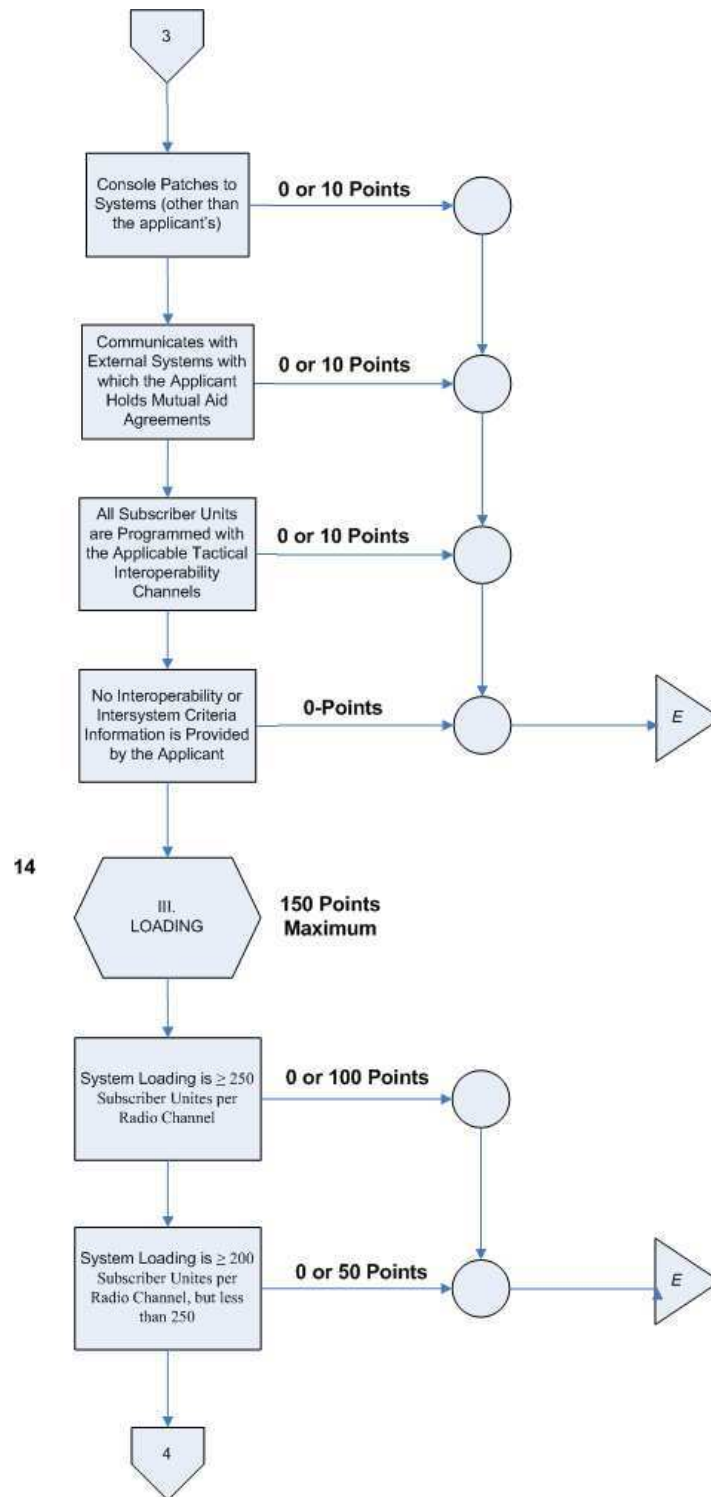


Figure 6, Application Review Flowchart - Page 3 of 8

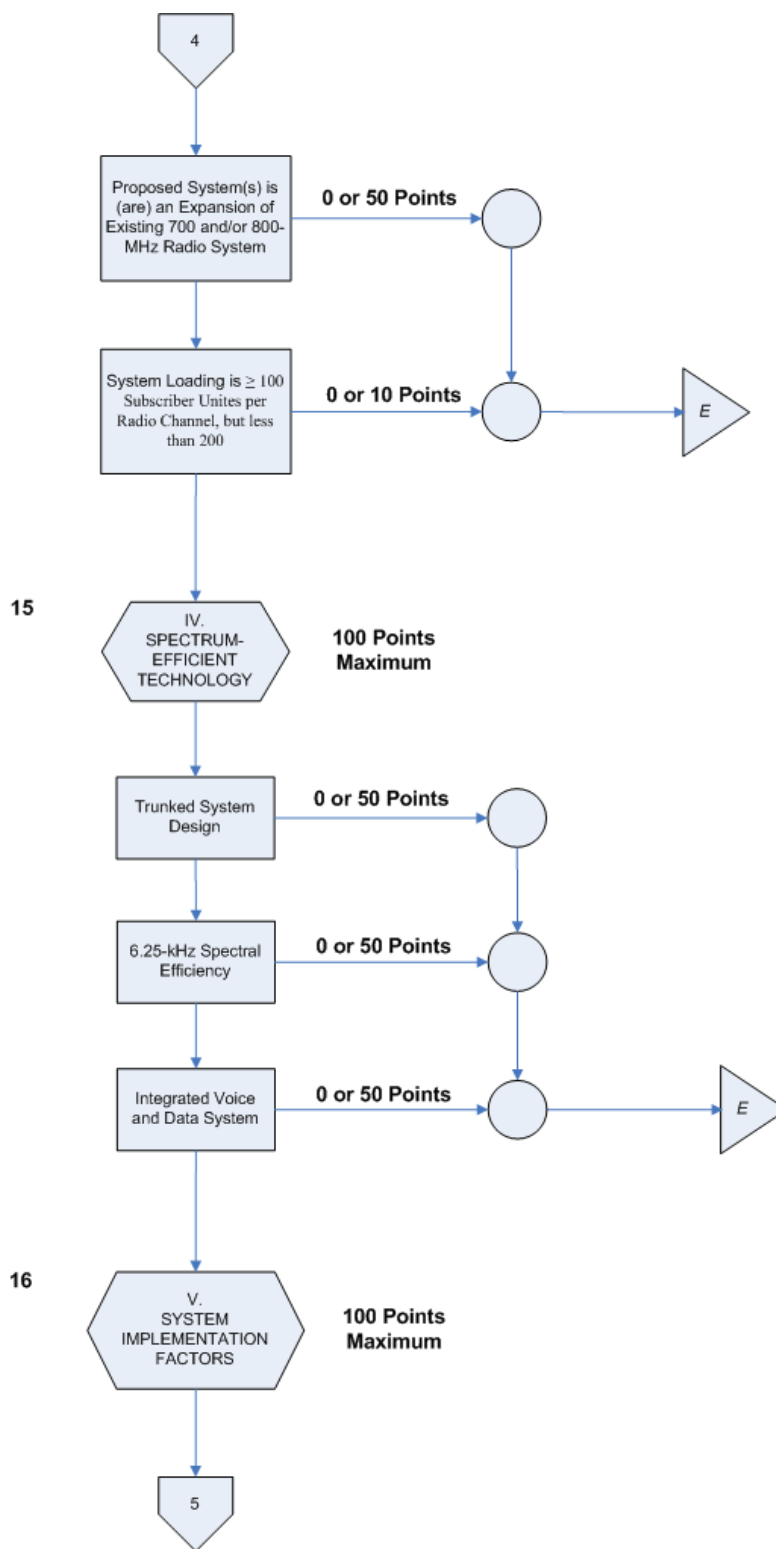


Figure 7, Application Review Flowchart - Page 4 of 8



7.5 Systems Implementation Factors (Category V, Block #16) - 100-point Maximum

Category V (Block #16, Figure 7) scores the applicant on two factors — budgetary commitment and planning completeness. The degree of budgetary commitment is scored on a range of 0 to 50 points (first line in Table 6). An applicant that demonstrates a high degree of commitment in funding the proposed system will receive a higher score. Each applicant will also be scored on the degree of planning completeness, with a scoring range of from 0 to 50 points (second line in Table 6). Applicants are required to submit evidence of financial and budgetary commitment and a timetable for implementing the communications system or systems.

Table 6, Planning for Implementation Criteria and Weights

Implementation Status	Point Value
Degree of budgetary commitment	0-50
Degree of planning completeness	0-50

7.6 Geographic Efficiency (Category VI, Block #17) - 100-point Maximum

Category VI (Block #17 in Figure 8) scores applicants on the level of geographic efficiency. Scoring in this category is based upon two subcategories: the ratio of subscriber units to area covered, and the channel reuse factor. The ratio of subscriber units to area covered measures the level of efficient coverage that a system demonstrates. The higher the ratio (subscriber units divided by square miles of coverage), the more efficient the use of the frequencies. For each application filing window, the ratio of the number of subscriber units to jurisdictional area covered shall be normalized to a maximum of fifty (50) points (as per the first line in Table 7). This will be done by applying the Normalization Equation that follows Table 7.

The channel reuse factor is defined as the number of times a channel is reused divided by the jurisdictional area covered. For each application filing window, as per the second line in Table 7, the channel reuse shall also be normalized to fifty (50) points. This will be done by applying the Normalization Equation that follows Table 7.

Table 7, Geographic Efficiency Criteria and Weights

Geographic Efficiency	Point Value
Ratio of subscriber units to the jurisdictional area covered	50
Level of channel reuse throughout the jurisdictional area covered	50

Normalization Equation

A = Minimum point score = 0; B = Maximum point score = 50; x = Raw score;

Max(x) = Maximum raw score in the application filing window

Min(x) = Minimum raw score in the application filing window

Normalized score (x) = $A + [(B-A)/(Max(x)-Min(x))] \cdot [x-Min(x)]$

Equation for normalization = $0 + [(50-0)/(Max(x)-Min(x))] \cdot [x-Min(x)]$

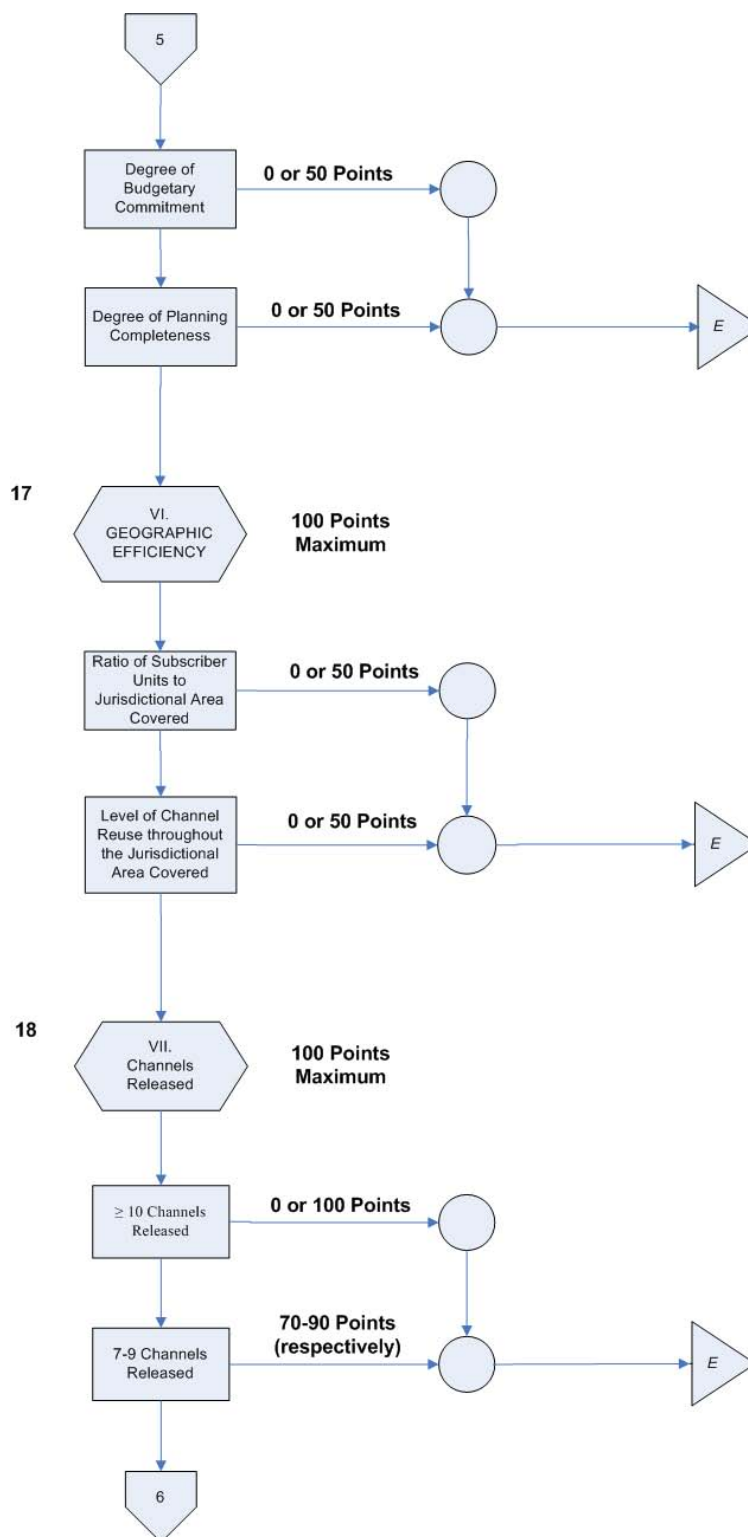


Figure 8, Application Review Flowchart - Page 5 of 8



7.7 Channels Released (Block #18) - 100-point Maximum

Category VII (Block #18 in Figure 8) evaluates the applicant on the number of radio channels² released if the 700-MHz application is granted to it. As demonstrated in Table 8, the greater the number of channels released, the higher the score that applicant shall be awarded.

The usability of the released radio channels will also be considered in the form of a multiplier ranging from 0.0 to 1.0. Radio channels with greater usability potential will earn the applicant higher points. The FCC-certified frequency coordinators or their representatives (i.e., APCO Local Frequency Advisor for southern New York and New Jersey) shall be responsible for evaluating the usability of any channel(s) released. Please refer to Appendix S, Spectrum Usability Map for Channels Released.

Table 8, Channel Criteria and Weights

Number and Usability	Point Value
Ten (10) or more channels given back	100
Seven (7) to nine (9) channels given back	70-90
Four (4) to six (6) channels given back	40-60
One (1) to three (3) channels given back	10-30
Usability of the channels by others (i.e., levels of interference, intermodulation, etc.)	0 - 1 (multiplier)

7.8 Final Processing Steps

As shown in Block #19 in Figure 9, points are totaled for each application.

Next, as per Block #20, the applicant's current frequency holdings (if any) are reviewed by the Committee.

Then, as per Block #21, the approved application scores are reviewed by the Committee to determine the proper application prioritization order.

Next, the frequency pool is allotted (Block #22 in Figure 10), and interregional concurrence occurs as necessary (Block #23, also in Figure 10). The Plan is then sent to the FCC for review and approval (Block #24). Upon acceptance by the FCC (Block #25), the RPC notifies (Block #26) the applicant of its channel allotment(s). The applicant shall file the station license(s) with its preferred frequency coordinator (Block #27), who coordinates with the FCC (Block #28).

² Released radio frequencies eligible for points:

VHF Low Band	25-50 MHz,
VHF High Band	150-174 MHz,
UHF Band	450-470 MHz/470-512 MHz (T-Band),
800 Band	806-821 MHz/851-866 MHz, and
NPSPAC Band	821-824 MHz/866-869 MHz.



Simultaneously, the applicant shall send a copy of its application to the RPC. Upon confirming that the application for license matches the application for channel allotment, the RPC shall submit a Regional Plan Control Number to the coordinator; and the Regional Plan, RPUC, and CAPRAD databases are updated. Finally, the FCC grants the license(s) to the successful applicant (Block #29 in Figure 10).

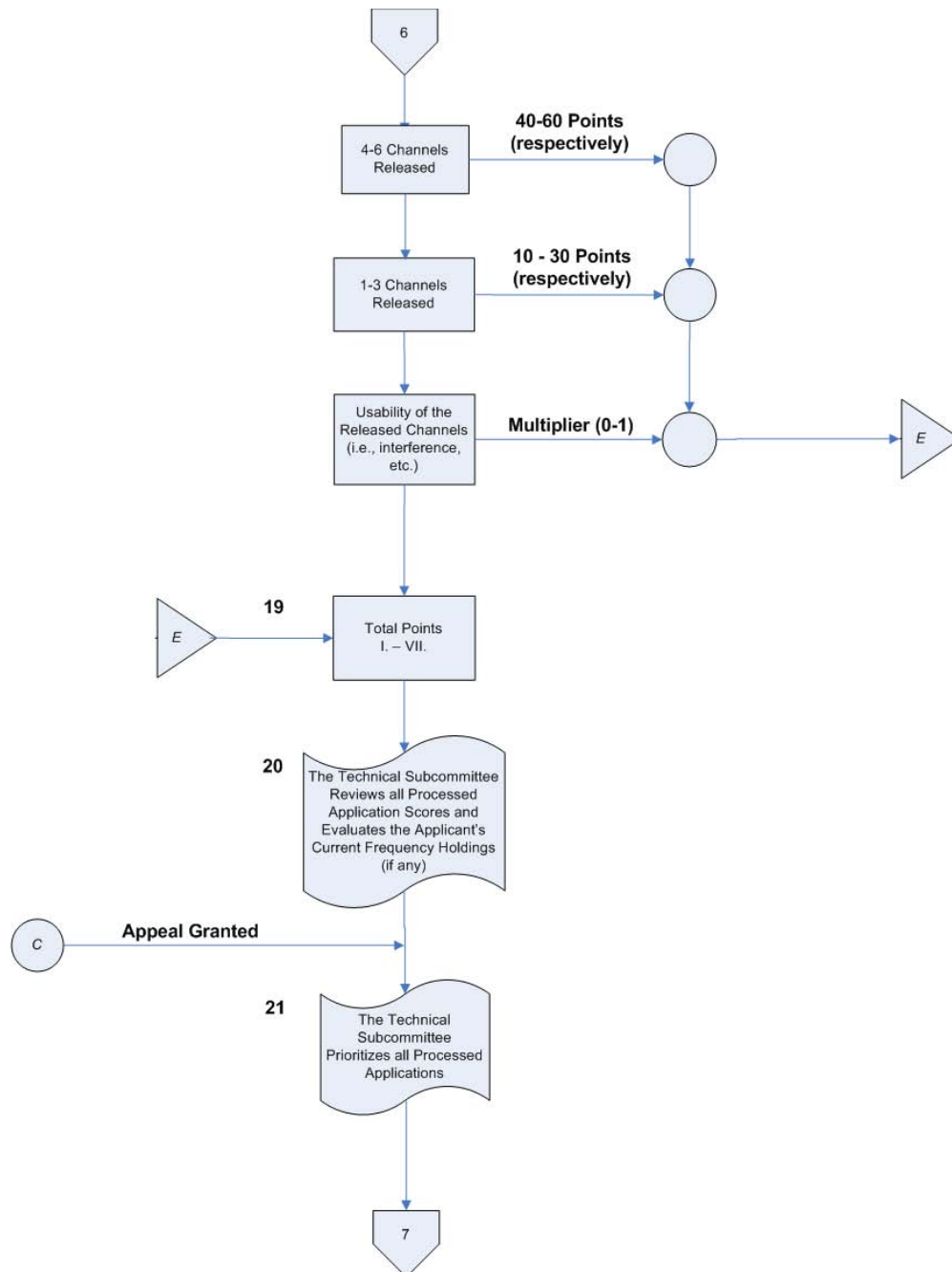


Figure 9, Application Review Flowchart - Page 6 of 8

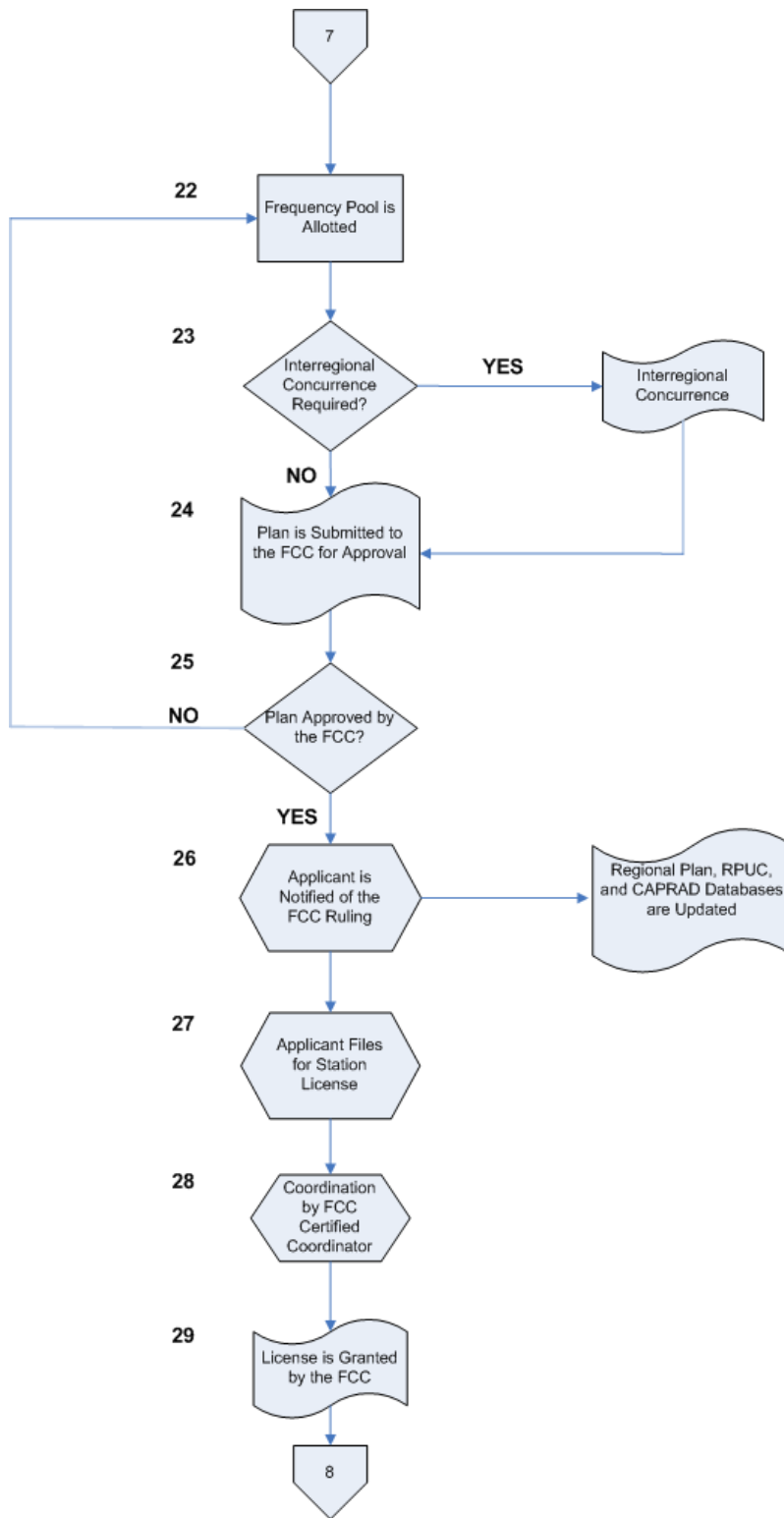


Figure 10, Application Review Flowchart - Page 7 of 8



7.9 Follow-up after Initial Approval

The FCC allows the applicant/licensee up to five (5) years to implement the system. Should system implementation not begin (by, at minimum, an award of contract) within a two-year period, or if the projected channel loading is not attained in accordance with the slow-growth plan, the channels will be returned for reallocation.

System implementation is monitored by the Region 8 Technical Subcommittee to determine if progress is being made (see Block #30 in Figure 11). Monitoring of system implementation by the Region 8 Technical Subcommittee will take place at a minimum of six-month intervals until implementation is complete. If progress is being made, the system is ultimately implemented (Block #32). If progress is not made, the applicant/licensee is warned of the potential consequences of its lack of progress (Block #31).

The Region 8 Technical Subcommittee continues to monitor progress on the implementation of the system. If monitoring indicates that progress is still not being made, the applicant/licensee is notified (Block #33) of pending action to withdraw the channel allotment(s). The notified applicant/licensee can request an extension (Block #34) of time from the RPC to complete its slow-growth plan or can allow the application to be cancelled (Block #35). If the applicant/licensee requests an extension, and the RPC agrees, a concurrence letter acknowledging the applicant's request will be produced by the RPC and sent to the FCC.

If the RPC grants an extension to the applicant/licensee, the system implementation monitoring process will continue and the activities in blocks #30 - #33 will reoccur. If the RPC does not grant an extension, the applicant/licensee and FCC will be notified (Block #36). The notified applicant/licensee can appeal this action or allow the license to be withdrawn (Block #37). If the allotted frequencies are withdrawn, they are added back into the frequency pool (Block #38) and the process begins a second iteration, starting back at Block #1.

If the applicant/licensee appeals the RPC's decision, the FCC appeal process will ensue (Block #39). If the FCC denies the appeal, the RPC and applicant/licensee will be notified (Block #40). If the FCC grants the appeal with channel-allotment changes, the process reverts to Block #22 (frequency pool is allotted). If there are no channel-allotment changes, the process reverts to Block #30 (system implementation is monitored by the RPC).

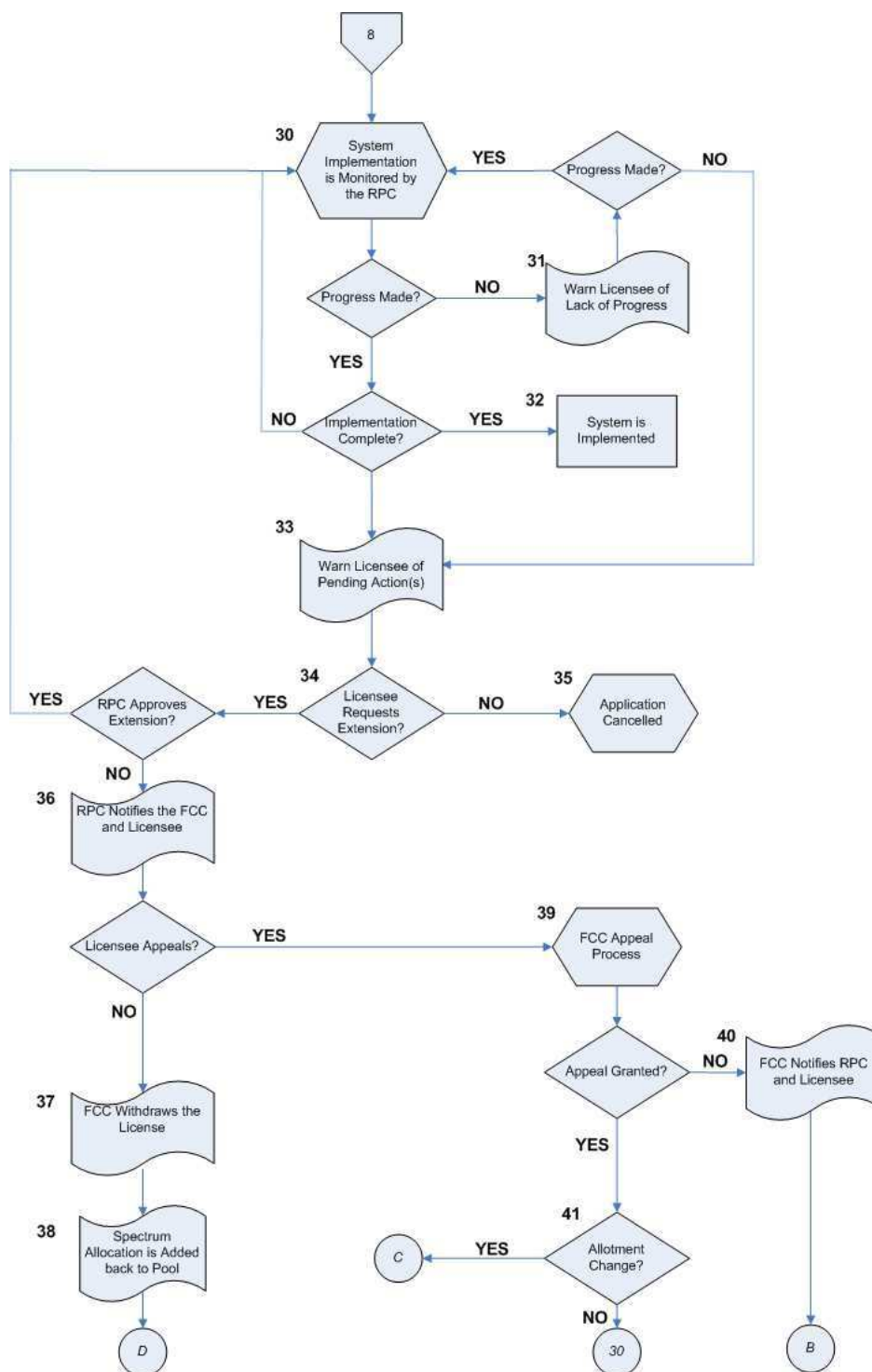


Figure 11, Application Review Flowchart - Page 8 of 8



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